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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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08/813,714 03/07/97 SIEFERT

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EXAMINER

TM02/0214

ANTHONY J. ORLER
GATES & COOPER, HOWARD HUGHES CENTER
6701 CENTER DRIVE WEST, SUITE 1050
LOS ANGELES CA 90045

LAO.S

ART UNIT

PAPER NUMBER

2151

DATE MAILED:

02/14/01

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.
08/813,714

Applicant(s)

Siefert

Examiner

S. Lao

Group Art Unit
2151



☒ Responsive to communication(s) filed on Nov 24, 2000

☐ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 35 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claim

☒ Claim(s) 1-14 is/are pending in the application.

Of the above, claim(s) _____ is/are withdrawn from consideration.

☐ Claim(s) _____ is/are allowed.

☒ Claim(s) 1-14 is/are rejected.

☐ Claim(s) _____ is/are objected to.

☐ Claims _____ are subject to restriction or election requirement.

Application Papers

☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on _____ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some* ☒ None of the CERTIFIED copies of the priority documents have been

☐ received.

☐ received in Application No. (Series Code/Serial Number) _____.

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

☒ Notice of References Cited, PTO-892

☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). _____

☐ Interview Summary, PTO-413

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

— SEE OFFICE ACTION ON THE FOLLOWING PAGES —

DETAILED ACTION

1. Claims 1-14 are pending. This action is in response to the amendment filed 11/24/2000.

2. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

3. The non-statutory double patenting rejection, whether of the obviousness-type or non-obviousness-type, is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent. *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); and *In re Goodman*, 29 USPQ2d 2010 (Fed. Cir. 1993).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(b) and © may be used to overcome an actual or provisional rejection based on a non-statutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.78(d).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

4. Claims 1, 5, 6, and 9 are rejected under the judicially created doctrine of obviousness - type double patenting as being unpatentable over claim 1 of U.S. Patent No. 5,699,526 in view of Ryu *et al* (U. S. Pat. 5,408,608) and Oracle (Oracle7 Server Administrator's Guide). Although the conflicting claims are not identical, they are not patentably distinct from each other because the claimed feature that a PC comprising means for storing profiles of resources into one or more regional servers is met by the

combination of Ryu who teaches storing profiles of resources from a server computer into one or more regional servers and Oracle which teaches resource/database operations, to which storing profiles of resources belongs, are performed either locally from a server computer or remotely from a PC. Note discussion of claim 5 for detail. Other limitations of claims 1, 5, 6, and 9 are met by claim 1 of U.S. Patent No. 5,699,526.

Claims 1, 5, 6, and 9 are rejected under the judicially created doctrine of obviousness - type double patenting as being unpatentable over claim 1 of U.S. Patent No. 5,721,906 in view of Ryu *et al* (U. S. Pat. 5,408,608) and Oracle (Oracle7 Server Administrator's Guide). Although the conflicting claims are not identical, they are not patentably distinct from each other because the claimed feature that a PC comprising means for storing profiles of resources into one or more regional servers is met by the combination of Ryu who teaches storing profiles of resources from a server computer into one or more regional servers and Oracle which teaches resource/database operations, to which storing profiles of resources belongs, can be performed either locally from a server computer or remotely from a PC. Note discussion of claim 5 for detail. Other limitations of claims 1, 5, 6, and 9 are met by claim 1 of U.S. Patent No. 5,721,906.

5. Claims 1-7, 9-10, 12-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ryu *et al* (U. S. Pat. 5,408,608) in view of Oracle (Oracle7 Server Administrator's Guide).

As to claim 5, Ryu teaches resource management system (distributed database system, see abstract), RESOURCES (distributed database), one or more LOCAL SERVERS (data offering terminals) with means for storing RESOURCES (stores real data, see abstract; detail, fig. 2A), one or more REGIONAL SERVERs (contents control center, control center) with means for storing PROFILES of RESOURCES stored (store control information, content list table 57, fig.s 2A, 11A; content, keyword or commands assigned to each real data, see abstract; contents for A, for B, etc), one or more PCS coupled to one or more of the SERVERs (user terminals, data offering terminals A or B, fig. 2A), means for storing PROFILES of RESOURCES into one or more of the REGIONAL SERVERs (data

offering terminals A or B transmit their contents to register with the contents control center 4a, col. 7, ln.s 55-64; fig. 2A), means for searching all of the PROFILES in all the REGIONAL SERVERs (inquiry, sent to control center through network, control center extracts the first and second ranks, see fig.s 9F and 10 and col. 18, lines 23-60) (retrieve terminal unit ID etc of 1A via control center 4A and terminal unit ID etc of terminal 1B via control centers 4A and 4B, col. 21, line 63 - col. 23, line 40, fig. 13A, 13B).

Ryu teaches means for electronically linking the LOCAL and REGIONAL SERVERs to transfer PROFILES and RESOURCES therebetween in that in a distributed database system including a plurality of groups, profiles (terminal unit ID etc of the terminal 1B which holds the desired data) as well as the actual desired data (data at 1B) are transmitted between the local servers (1A, 1B) and regional servers (control centers 4A and 4B, intergroup control terminal 7). See col. 21, line 63 - col. 23, line 40, fig. 13A, 13B, in particular, col. 23, lines 26-40.

While Ryu teaches storing profiles of resources from a server computer, Ryu does not teach to perform such operations from a PC distinct from the server computer.

Oracle teaches a resource (database) management (Oracle database administration), wherein a user (database administrator) may perform resource/database operations (server operations / administrations) either locally from a server computer, or remotely from a PC (client computer). The remote server operations are enabled by configuring the Initialization Parameter Files (INIT.ORA) to allow server connection as INTERNAL or OSOPER or OSDBA. See pages 1-4 - 1-5; appendix A-39 - A-40.

Since Ryu requires distributed database management (col.s 21-23) and Oracle provides a mechanism to do so, it would have been obvious to combine the teachings. It would have been obvious to modify Ryu who performs resource/database operations locally from a server computer to include the ability of performing such operations remotely from a PC, so as to provide better system security (Oracle, password in a non-secure network, page 1-4). Storing a profile of resources/database in Ryu is a typical database administration operation, and therefore the teachings of Oracle applies.

As to claim 1, note the discussion of claim 5, and further Ryu teaches means for accessing a RESOURCE from any one of the LOCAL SERVERs based on the searched PROFILES (access, fig. 9F, col. 18, lines 48-68) (distributed access, col. 23, lines 26-40).

As to claims 2-3, Ryu teaches means for storing a downloadable RESOURCE into one or more of the LOCAL SERVERs (other terminal unit returns retrieved data to terminal unit, fig. 9F), means for downloading any of the RESOURCES contained in any of the LOCAL SERVERs into the PC (terminal unit receives real data, fig. 9F, step 6).

As to claim 4, Ryu teaches means for storing a PROFILE which contains information about a user of a SERVER (control information table 55, col. 18, lines 39-44), means for restricting the user's access to RESOURCES based on the information contained in the user's PROFILE (match user ID and password, col. 18, lines 48-60; fig. 5).

As to claim 6, note discussion of claims 5 and 1 and Ryu further teaches each of the REGIONAL SERVERs storing a catalog of PROFILES that describe RESOURCES (contents for A, contents for B, fig. 2A).

As to claim 7, Ryu teaches storing keywords in a PROFILE contained in a REGIONAL SERVER (content control table 55, col. 18, lines 39-44; content list table 57, fig.s 2A, 11A; keyword assigned to each real data, see abstract) and search the PROFILES (control center extracts, col. 18, lines 48-60; fig. 15H), thus searching by Boolean key-words would have been obvious.

As to claim 9, it is basically a method claim of claim 1 and note the equivalence of single site / PC. Ryu as modified further teaches user (Ryu, user) (Oracle, database administrator).

As to claims 10, 12, Ryu teaches RESOURCES comprise downloadable data (contents A, contents B, detail of A and B, see fig. 2A), allowing a user to download the downloadable data from one of the LOCAL SERVERs to the user's site (display contents A and B on user terminal unit T3, see fig. 2A), data which is not downloadable (contents in buffer 101 are not output, see col. 10, line 63 - col. 11, line 14, fig. 5).

As to claim 13, Ryu teaches all of the PROFILES are stored in a single REGIONAL SERVER (temporary center, see fig. 2A).

As to claim 14, using distributed managers / name SERVERs is a well known alternative to a centralized manager / name server for providing better fault tolerance. Applying this concept to the system of Ryu would have been obvious, which would provide multiple collections of the PROFILES / distributed managers or name SERVERs. Ryu also teaches multiple collections of the PROFILES (contents of other terminal units stored in a terminal, see fig.s 4 and 5) and each collection contains substantially all of the PROFILES since the file for self (fig. 5) would be different for each terminal but contents for others would be substantially the same.

6. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ryu *et al* in view of Oracle as applied to claim 6 and in view of Terry *et al*.

As to claim 8, Terry teaches a database management system (Tapestry system), including ordering a search to be performed at a future time (continuous queries, scan the incoming record), see abstract; section 1.0; fig.s 1 and 3.

Both Ryu and Terry deal with improving database efficiency, it would have been obvious to combine the teaches. Accordingly, it would have been obvious to apply the teaching of Terry to the search of PROFILES of Ryu.

7. Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ryu *et al* in view of Oracle as applied to claim 10 and in view of Dworkin.

As to claim 11, Dworkin teaches a database management system (electronic mall), wherein the RESOURCES include physical objects (hardware products, fig. 4).

It would have been obvious to apply the teaching of Dworkin to the system of Ryu so as to allow user to determine the best price available (col. 1, ln.s 53-60).

8. Applicant's arguments filed 11/24/2000 have been fully considered but they are not persuasive.

Applicant argued in substance with respect to independent claims that (1) the user terminal of Ryu does not store profiles of resources into one or more regional servers,

(page 6, section E, 3rd paragraph), (2) no teaching in Ryu of linking the local and regional servers so that both profiles and resources can be transferred therebetween, (page 6, section E, 3rd paragraph), (3) no teaching in Ryu of PC searching all the profiles in all the regional servers, but only a single control center is searched in Ryu (paragraph bridging pages 6 and 7), (4) Oracle operations cannot be said to comprise storing of profiles of resources into regional servers, searching profiles, or accessing resources, (page 7, 2nd paragraph), (5) applicant's invention allows for a client-server system that is more interchangeable, (page 7, 5th paragraph).

The examiner disagrees. As to (1), it is the combination of Ryu and Oracle, rather than Ryu alone, that teaches storing profiles of resources into one or more regional servers from a PC. Note discussion of claim 5 for detail. Briefly, Ryu teaches storing profiles of resources into one or more regional servers from a server computer and Oracle teaches resource/database operations, to which storing profiles of resources belongs, can be performed either locally from a server computer or remotely from a PC. The combination of Ryu and Oracle meets the claimed limitation.

As to (2), Ryu teaches linking the local and regional servers so that both profiles and resources can be transferred therebetween in that in the embodiment of distributed database system with plurality of groups, local servers (1A and 1B) and regional servers (4A and 4B) are linked by network 3. When a user/requesting terminal of group A needs to access data held at local server 1B of group B, profiles (terminal unit ID etc) of the terminal 1B are transferred from 1B to 4B to 7 to 4A to 1A, and the actual data / resource is also transmitted in the same path. See col. 21, line 63 - col. 23, line 40, fig. 13A, 13B, in particular, col. 23, lines 26-40.

As to (3), Ryu teaches a PC/user terminal searching all the profiles in all the regional servers not only a single control center because in the embodiment of distributed database system with plurality of groups (col. 21, line 63 - col. 23, line 40, fig. 13A, 13B), both local regional servers (4A) and other/remote regional servers (4B) are searched for profiles of resources (data residing at 1A and 1B).

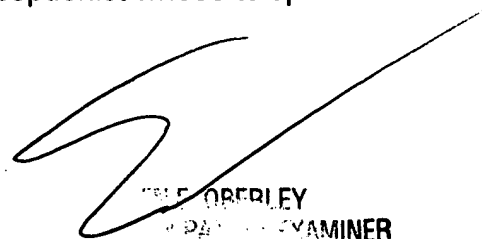
As to (4), Oracle teaches a resource (database) management (Oracle database administration), wherein a user (database administrator) may perform resource/database operations (server operations / administrations) either locally from a server computer, or remotely from a PC (from a client computer). Typical database administration operations include setting up and maintaining contents/profiles, internal structure and access strategy for a database. Such recognized definition may be found in Computer Dictionary by Microsoft Press. Storing profiles/content, searching profiles and accessing resources/database are parts of the setting up and maintaining contents/profiles, internal structure and access strategy for a database, therefore, these are database administration operations.

As to (5), the argued feature of allowing for a client-server system that is more interchangeable has not been clearly brought out in the claims. The argument is thus not persuasive.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sue Lao whose telephone number is (703) 305-9657. A voice mail service is also available at this number. The fax phone number for the organization where this application or proceeding is assigned is (703) 308-9051 for regular communications and After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-9600.

Sue Lao
February 12, 2001



SUE LAO
PATENT EXAMINER
JUP 2/00